

REMARKS

Background

This is in response to the Final Official Action mailed June 12, 2007 and presents amended claims based on Examiner's indication of allowable subject matter in that Action and cancels some dependent claims primarily to correlate with the new claims and/or to reduce the total number of claims in view of the various subject matter indicated to be allowable and now presented in respective independent claims. The amendments made hereby are without prejudice to seeking claims of the scope, or including subject matter, pending prior hereto and without admission or waiver. To that end, claims 1, 2, 4-7, 9, 11, 12, 14, 18, 19 and 21-45 are pending, with the following being noted:

A. Independent claim 1 has been amended to include the subject matter of now-canceled claim 3 which Examiner had indicated presented allowable subject matter. Accordingly, it is respectfully submitted that claim 1, and its dependent claims 2, 4-7, 9, 11, 12, 14, 18, and 19, are in condition for allowance. In that regard, note that previously independent claims 7 and 11 have been amended into dependent form from claim 1. Further, claims 2 and 14 have been amended to adjust their text, and claims 18 and 19 have been amended to depend from claim 1.

B. New independent claim 21 is previous claim 4 in independent form which Examiner had indicated presented allowable subject matter. Accordingly, it is respectfully submitted that claim 21, and its dependent claims 22-28, are in condition for allowance. In that regard, note that the features of dependent claims 22-28 are taken from various of the previously-pending claims. It is thus submitted that no new matter is added.

C. New independent claim 29 is previous claim 5 in independent form which Examiner had indicated presented allowable subject matter. Accordingly, it is respectfully submitted that claim 29, and its dependent claims 30-37, are in condition for allowance. In that regard, note that the features of dependent claims 30-37 are taken from various of the previously-pending claims. It is thus submitted that no new matter is added.

D. New independent claim 38 is previous claim 20¹ in independent form which Examiner had indicated presented allowable subject matter. Accordingly, it is respectfully submitted that claim 38, and its dependent claims 39-45, are in condition for allowance. In that regard, note that the features of dependent claims 39-45 are taken from various of the previously-pending claims. It is thus submitted that no new matter is added.

E. Dependent claims 8, 10, 13, 15-17, and 20 have been canceled to reduce the overall number of claims, and thus save filing fees, particularly since each allowable feature has now been presented in its own independent claim and with various of the previously-pending dependent claims substantially replicated for each such independent claim. No waiver of claim scope is intended, nor is any admission or relinquishment being made.

For the record, the following is noted. Examiner had rejected claims 1, 2, 6-9, and 11-19 on the basis of anticipation over Lemieux U.S. Patent No. Re. 34,416, but indicated that the subject matter of claims 3, 4, 5, 10 and 20 was indicated to be allowable. Without acquiescing in any rejection and without waiver of any right to present the previously pending claims in a further filing for purposes of prosecuting same, but instead to streamline prosecution and move this case to allowance, the claims have been recast as described above based on that allowable subject matter.²

¹ Examiner also indicated that claim 10 presented allowable subject matter. Claim 10 included that the clip is a wireform, as did claim 20, but further recited the bridge of claim 9. In view of new claim 38 which recites the clip is a wireform, it is submitted that a further independent claim to recite that wireform and the bridge is unnecessary. Instead, the bridge is recited in dependent claim 40.

² Examiner also objected that the specification did not expressly state a needle with non-circular diameter in combination with a clip. It is respectfully submitted that such that was clearly discernable to one of ordinary skill in the art from the disclosure of the application as filed. To resolve the matter, paragraph [0035] of the specification has been amended to make explicit what was inherently implicit in the application as filed.

Conclusion

In view of the foregoing amendments and comments, it is respectfully submitted that the application is in condition for allowance. Accordingly, a formal Notice of Allowance is respectfully solicited.

Applicants have undertaken to respond to all issues raised in the Official Action. In the event that any issues remain outstanding, Examiner is invited to contact the undersigned to expedite prosecution of this application.

No fee is believed due with this paper. If any such fee is due, the Commissioner is authorized to charge any such fee or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,
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